

STATE OF NEVADA

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BRENT C. ECKERSLEY, ESQ., Vice-Chairman
SANDRA MASTERS, Board Member



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Director

BRUCE K. SNYDER
Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

DEPARTMENT OF BUSINESS AND INDUSTRY
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

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February 13, 2015

**MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**

A meeting of the Local Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Tuesday, February 10, 2015, at the hour of 8:00 a.m., and continuing on Wednesday, February 11, 2015, and Thursday, February 12, 2015, at the offices of the Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104.

The following Board members were present:

Philip E. Larson, Chairman
Brent C. Eckersley, Esq., Vice-Chairman
Sandra Masters, Board Member

Also present:

Bruce K. Snyder, Commissioner
Scott Davis, Esq., Deputy Attorney General
Marisu Romualdez Abellar, Board Secretary

Attorneys Present:

Kristin Martin, Esq., McCracken, Stemerman &
Holsberry
Frank Flaherty, Esq., Dyer Lawrence
Scott Greenberg, Esq., Clark County School
District

Members of the Public Present:¹

(listed on next page)

¹ All were present for Item 12 and some of these persons returned the next day for the continuation of Item 12 and may have addressed the Board when additional public comment was allowed under Item 22 of the agenda. Two other individuals signed in but their names were illegible.

Anderson, Brian
Artiga, Arlet
Barfoot, Denise
Carnes, Rodney
Carter, Katrina
Christensen, Brian
Dungan, Mary
Ealy, Joel
Eskridge, Kelli
Foreman, Shantay
Funes, Honeida
Galtney, Jeff
Ghilarducci, Al
Giles, Jan
Gomez, Norma
Gorman, Cheryl
Green, Tony
Griffith, Larry
Griffith, Lynn
Ixtilahuac, Ernie
Ixtilahuac, Frances
Johnson, Dennis
Jordan, Brian
Judie-Calhoun, Lenette
Karant, Ted
Lein, Lorcasa
Malfavon, Jesus
Malone, Sharon
Mathis, Curtis
Matten, Karen
Mazurek, Richard

Cole, Debra
Cowan, Althina
Cox, Linda
Cuellar, Nancy
Davis, Grant
Davis, Lujuan
McCain, Douglas
McCollum-Gibson, Demetrious
Misciagne, Colleen
Orosco, (first name unknown)
Payne, William
Peck, Gary
Person, Lournette
Phipps, Lamont
Pinto, Carlos
Rabb, Tracy
Radke, Mark
Richard, Andre
Rodriguez, Elena
Rodriguez, Lenny
Shultz, Michele
Shuman, Terri
Springer, Christi
Stefanske, Tiffany
Striegel, Diane
Tacang, Goodwill
Tampa, Autumn
Torres, Guillermo
Watkins, Clifton
Wells, Sonya
Wilbert, Narissia

The Agenda:

PRELIMINARY MATTERS

1. Call to Order

The Board meeting was called to order by Philip E. Larson, Chairman, on Tuesday, February 10, 2015, at 8:00 a.m.

2. Public Comment

No public comment was offered.

3. Approval of the Minutes

The Board approved the minutes as presented for the public hearing held January 13, 2015, and the regular Board meeting held January 13-15, 2015.

CASES

HEARING CALENDAR

4. **Hearing for Consolidated Case A1-046054/A1-046080**
North Las Vegas Police Supervisors Association v. City of North Las Vegas and City of North Las Vegas v. North Las Vegas Police Supervisors Association
Commissioner Snyder notified the Board that the above two consolidated cases, as well as Case No. A1-046102, had tentatively settled and that a stipulation to dismiss all three cases will be placed on the agenda once the settlement agreement has been properly executed and any payments pursuant to the settlement agreement have been made. Accordingly, the hearing was vacated.

STIPULATION CALENDAR

5. **Consolidated Cases A1-045847 through A1-045864**
Deborah Boland et al. v. SEIU, Local 1107
Upon motion, the Board granted the Stipulation Extending Time to File Post-Hearing Briefs, as presented. The new due date is February 17, 2015.
6. **Case A1-046135**
Nye County Law Enforcement Association v. Nye County
Upon motion, the Board granted the Stipulation and Order Extending Time to File Answer, changing the open extension of time to file an Answer to instead require that an Answer be filed within 90 days.
7. **Case A1-046137**
SEIU, Local 1107 v. Southern Nevada Regional Housing Authority
Upon motion, the Board granted the Stipulation of Dismissal and Order, with each side responsible for its own fees and costs, and also noting that the dismissal is to be with prejudice.
8. **Case A1-046138**
Education Support Employees Association v. Clark County School District
Upon motion, the Board granted the Stipulation to Extend Time to File Pre-Hearing Statements, as presented, thus making the new due date February 13, 2015.
9. **Case A1-046140**
Sazer, Las Vegas Police Protective Association v. Las Vegas Metropolitan Police Department
Upon motion, the Board granted the Stipulation and Order to Extend Deadline to File Prehearing Statements, as presented, thus making the new due date February 12, 2015.

MOTION CALENDAR

10. **Case A1-046106**
Michael Turner v. Clark County School District
Upon motion, the Board denied Respondent's motion for costs.
11. **Case A1-046115**
Daniel Woychiehowsky v. City of Sparks and Sparks Police Department
Upon motion, the Board granted Respondents' Motion to Dismiss Prohibited Practices Complaint, specifically noting that the Board was deferring to the final and binding arbitration award issued by Arbitrator Howard Tolley on November 30, 2014.

CALENDAR FOR MISCELLANEOUS MATTERS RELATED TO CASES

12. **Case A1-045735**
International Brotherhood of Teamsters, Local 14, AFL-CIO v. Clark County School District and Education Support Employees Association
Commissioner Snyder presented the Tally of Ballots from the election held on February 3, 2015. He noted that Teamsters Local 14 received 3,692 votes while the Education Support Employees Association received 1,498 votes. There were also 26 void ballots, 18 ballots challenged and which were sustained for alleged defects, and 21 ballots challenged based on the alleged ineligibility of the voter. The Commissioner further stated that neither Teamsters Local 14 nor the Education Support Employees Association received a majority of the votes that could have been cast (i.e., a majority of those eligible to vote).

Chairman Larson thereupon opened the floor to public comment, beginning with comments from the attorneys representing the three parties to the case.

Kristin Martin, attorney for Teamsters Local 14, stated that the issue is what happens next. The process started and therefore the process must be resolved. There are two options: (1) hold a second runoff election, possibly using computer voting; or (2) recognize that ESEA lacks majority support and therefore the status quo of allowing them to remain the bargaining agent cannot remain.

Frank Flaherty, attorney for ESEA, stated the former Board never required a showing of interest back in 2002. Since then the election has been conclusive. Local 14 did not get a majority of support. Over two elections Local 14 support has only risen from 26% to 33%. He further mentioned that there have been two Supreme Court decisions mandating use of the supermajority rule. The Board should not hold another runoff election as there is no requirement to do so. The election is over and Local 14 must now wait for the next window period and, if still interested, submit interest cards at that time.

Scott Greenberg, attorney for the Clark County School District, stated that the main thing is labor stability.

Kristin Martin stated that no other state in the country requires a supermajority to win an election and that the Board needs to respect the choice of the employees as reflected in this election.

Autumn Tampa stated that a number of employees believed that no vote equaled support for ESEA and that is why they may not have voted.

Ernie Ixtlahuac stated that he disagreed with the prior person.

Jesus Malfavon stated that ESEA did not protect the employees and that the employees need a change.

An unidentified individual stated that Teamsters Local 14 was not allowed on campus.

Kelli Eskridge stated that there will be a rage if the Board ignores the vote.

Christi Springer stated that all except one person at her school wanted Local 14 as their bargaining agent.

Elena Rodriguez stated that a supermajority would not work in any other election. She also stated that ESEA would not help someone they knew had voted for Local 14.

Mary Dungan stated that ESEA has not represented her well in the past.

Cheryl Gorman stated that she supports Local 14.

Orosco, (first name unknown) stated that his father helped with the United Food Workers and that Teamsters had been stealing existing employees instead of organizing new units.

Lynn Griffith stated she has been the office manager for Local 14 for 14 years and that it was employees who had contacted Local 14 for help and that Local 14 had not initiated going after the employees.

Tony Green stated that the focal point should be the employees and that the employees do not want ESEA.

Tracy Rabb stated she is a member of ESEA and that ESEA's membership has been hyped by ESEA tactics. She further stated that the membership will drop in July when members have the right to withdraw from the union.

Denise Barfoot stated Local 14 would still need to negotiate with the same officials from the school district.

Frances Ixtlahuac stated she will get representation with Local 14.

Sonya Wells stated she used to belong to ESEA. She once was physically attacked at work and yet was terminated. ESEA would not help her and she used other representation to get her job back. She will resign from ESEA in July.

Goodwill Tacang stated when he was laid off that he received no help from ESEA.

Narissia Wilbert stated ESEA was not a union for her and that its business agent did not help her.

Douglas McCain, President of ESEA, stated when he worked in private industry that Teamsters took out dues from his paycheck without his authorization.

Andre Richard stated that he is an ESEA member and representative and has been involved with Local 14 since 2006. He also stated that they need Local 14 for working families.

Richard Mazurek stated he is a representative for ESEA and that he is a busy person and cannot devote all his time to being a representative.

William Payne stated a lot of employees are very upset and that there is a lack of representation, noting that in his opinion a lot of employees will leave ESEA.

Norma Gomez stated she is an ESEA member who has been working outside of her classification and that ESEA has not helped her.

Brian Jordan stated that ESEA got his job back for him after he had been terminated.

Lamont Phipps stated Local 14 made him feel a part of something.

Larry Griffith, Secretary-Treasurer of Local 14, stated that Local 14 only works in support of public sector employees and that some of the comments made by others may have been about other locals within Teamsters but should not be a reflection on his local.

Katrina Carter stated she wants Local 14.

Shantay Foreman stated she is an ESEA member but that the employees need change somehow and that she is concerned about her family.

Diane Striegel stated she was encouraged not to participate with Local 14 and that doing so would be a career killer. She also was told that Local 14 flyers were not allowed on campus and that to send such flyers to the legal department. She further stated that the Board needs to change the supermajority rule.

Ted Karant stated he works for the City of North Las Vegas and that Local 14 helped North Las Vegas avoid going into receivership. No pay was given up by the employees and no jobs were lost. He further stated that the supermajority rule was undemocratic.

Michele Shultz stated she has been an ESEA member for 30 years but that in the last couple years she had not been represented and wants a change.

Terri Shuman stated ESEA helped her when she needed help. She also stated she is the current chair of the Stewards Committee.

After hearing public comment the Board recessed the meeting for the evening due to the building closing at 6:00 p.m. and then recalled the meeting the following morning at 8:00 a.m., at which time the Board went into closed session to deliberate on the matter.

Upon deliberation, the Board moved to certify the results of the election as presented to the Board by the Commissioner in the Tally of Ballots. The motion passed.

Upon deliberation, the Board moved to direct the Commissioner to hold a second runoff election at the earliest opportunity, noting that it was under no legal obligation to do so, but rather was ordering a discretionary second runoff election and that the Board further moved that the standard for determining the winner of this discretionary second runoff election would be the employee organization who receives a majority of the votes cast in that election. The motion passed.

13. Case A1-046120

IAFF, Local 1908 v. Clark County

Upon motion, the Board agreed with the Commissioner's recommendation to place the case on deferment pending resolution of the arbitration proceedings, to have the parties file a status report to the Commissioner upon receipt of the arbitrator's decision, and to then thereafter submit to a second settlement conference.

14. Case A1-046141

Timothy Frabbiele v. City of North Las Vegas

Upon motion, the Board denied the Petition for Declaratory Order Pursuant to NRS 233B.120 and NAC 288.280, noting that the underlying case currently is in District Court on a Petition for Judicial Review, and therefore the Board is currently divested of any jurisdiction on the case.

15. Cases in the Queue for Future Hearing or Settlement Conference

The Board deliberated on the various cases in the queue and decided as follows: (1) that Case A1-046116, David O'Leary v. Las Vegas Metropolitan Police Department, be scheduled for hearing in April; (2) that A1-046113, Education Support Employees Association and Police Officers Association of the Clark County School District v. Clark County School District, be scheduled for hearing in June; Police Department, be ordered; and (3) that action on all other cases in the queue be tabled until a future meeting.

GENERAL AGENCY MATTERS

16. Schedule of Future Board Meetings

The Board reviewed the proposed schedule and made changes to the following dates for 2015:

Dates	Location	Hearings on Cases
March 10, 11 & 12, 2015	Las Vegas	A1-046111
April 7, 8 & 9, 2015	Las Vegas	A1-046116
May 5 & 6, 2015	Elko	A1-046068
June 9, 10 & 11, 2015	Las Vegas	A1-046123 & A1-046113
July 14, 15 & 16, 2015	Unknown	To be determined
August 11, 12, & 13, 2015	Unknown	To be determined
September 15, 16, & 17, 2015	Unknown	To be determined
October 12, 13, & 14, 2015	Unknown	To be determined
November 17, 18, & 19, 2015	Las Vegas	To be determined
December 8, 9, & 10, 2015	Las Vegas	To be determined

17. Report of the Deputy Attorney General

Deputy Attorney General Scott Davis gave an oral presentation on the status of the various cases either on judicial review or on appeal at the Nevada Supreme Court.

18. Reports by the Commissioner

A. Report on cases currently outstanding.

Commissioner Snyder distributed an updated log of open cases and briefly talked about the log.

B. Report on possible ideas to expedite hearings for cases and possible action on the adoption of one or more recommendations.

Commissioner Snyder requested that this item be continued until the next Board meeting.

19. Reports by the Board Chairman

Chairman Larson reported on chairs and meeting with Director re: pay.

20. Items for Future Agendas

No items were specifically requested by any of the Board members for inclusion on a future agenda.

CLOSING MATTERS

21. Comments by Board Members

No comments were made by any Board members.

22. Additional Period of Public Comment

Frank Flaherty, attorney for ESEA, stated that the Board's order on Item 12 is an order for litigation. He further asked the Board to reconsider its action.

Scott Greenberg, attorney for the Clark County School District, asked whether the Board's action on Item 12 was promulgating a new rule.

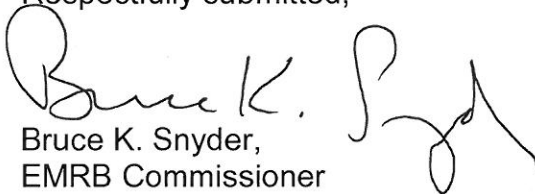
Lynn Griffith, office manager for Local 14, thanked the Board for giving a voice to the 71% of those who voted in the recent election.

Gary Peck, attorney for the Nevada State Education Association, echoed the comments of Frank Flaherty.

Mary Dungan stated that Nevada Supreme Court ruling flies in the face of the democratic process and then thanked the Board for its action.

Kelli Eskridge thanked the Board for considering the voices of the employees and also thanked the Board for listening to them.

Respectfully submitted,


Bruce K. Snyder,
EMRB Commissioner